

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE SENATE

SENATE BILL NO. 1079

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO ENGINEERS AND SURVEYORS; AMENDING SECTION 50-1304, IDAHO CODE, TO REVISE THE REQUIRED FORM OF A PLAT OFFERED FOR RECORD AND TO PROVIDE FOR NEW REQUIREMENTS ON WHAT SHALL BE DISPLAYED ON A PLAT; AMENDING SECTION 50-1310, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 54-1212, IDAHO CODE, TO REVISE TERMINOLOGY RELATING TO CERTIFICATION AS AN INTERN AND ASSIGNMENT TO PROFESSIONAL EXAMINATIONS AND TO REVISE THE QUALIFICATIONS FOR CERTIFICATION AS AN ENGINEER INTERN OR LAND SURVEY INTERN; AMENDING SECTION 54-1214, IDAHO CODE, TO CLARIFY LANGUAGE RELATING TO FAILURE OF ALL OR PART OF AN EXAMINATION; AMENDING SECTION 54-1234, IDAHO CODE, TO CLARIFY LANGUAGE RELATING TO THE DEFACING OF MONUMENTATION; AMENDING SECTION 55-1905, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 55-1906, IDAHO CODE, TO REVISE LANGUAGE RELATING TO REQUIRED CONTENT FOR A RECORD OF SURVEY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-1304, Idaho Code, be, and the same is hereby amended to read as follows:

50-1304. ESSENTIALS OF PLATS. (1) All plats offered for record in any county shall be prepared in black opaque image upon stable base drafting film with a minimum base thickness of 0.003 inches, ~~by either. The image thereon shall be by a photographic process using a silver image emulsion or by use of a or a process by which a copy is produced using an ink jet or digital scanning and reproduction machine with black opaque drafting film ink, by mechanical or handwritten means or fused toner that will ensure archival permanence. The drafting film copy and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink or toner is used on drafting film, the ink surface shall be coated with a suitable substance, if required by the county where the plat is to be recorded, to assure permanent legibility. The drafting film must be of a type which can be reproduced by either a photographic or diazo process.~~ Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 1/2) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or

1 diagram with appropriate references to other sheets. The required dedica-
 2 tions, acknowledgments and certifications shall appear on any of the seri-
 3 ally numbered sheets.

4 (2) The plat shall show: (a) the streets and alleys, with widths and
 5 courses clearly shown; (b) each street named; (c) all lots numbered consecu-
 6 tively in each block, and each block lettered or numbered, provided however,
 7 in a platted cemetery, that each block, section, district or division and
 8 each burial lot shall be designated by number or letter or name; (d) each and
 9 all lengths of the boundaries of each lot shall be shown, provided however,
 10 in a platted cemetery, that lengths of the boundaries of each burial lot may
 11 be shown by appropriate legend; (e) the exterior boundaries shown by dis-
 12 tance and bearing; (f) descriptions of survey monuments; (g) point of begin-
 13 ning with ties to at least two (2) public land survey corner monuments in one
 14 (1) or more of the sections containing the subdivision, or in lieu of public
 15 land survey corner monuments, to two (2) monuments recognized by the county
 16 surveyor; and also, if required by the city or county governing bodies, give
 17 coordinates based on the Idaho coordinate system; (h) the easements; (i) ba-
 18 sis of bearings, bearing and length of lines, graphic scale of plat and north
 19 arrow; and (j) subdivision name.

20 (3) When coordinates in the Idaho coordinate system are shown on a plat,
 21 the plat must show the national spatial reference system monuments and their
 22 coordinates used as the basis of the survey; the zone; the datum and adjust-
 23 ment; and the combined adjustment factor and the convergence angle and the
 24 location where they were computed.

25 SECTION 2. That Section 50-1310, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 50-1310. FILING AND RECORDING -- RECORD OF PLATS -- FILING OF COPY. (1)
 28 All approved plats of subdivisions shall, upon the payment of the required
 29 fees, be filed by the county clerk or county recorder, and such filing with
 30 the date thereof shall be endorsed thereon. The plat or opaque copy thereof
 31 shall then be bound or filed with other plats of like character in a proper
 32 book or file designated as "Records of Plats."

33 (2) At the time of filing such plat, the owner or his representa-
 34 tive shall also file with the county clerk or county recorder one (1) copy
 35 thereof. ~~The copy shall be upon stable base drafting film with a minimum~~
 36 ~~base thickness of 0.003 inches. The image thereon shall be by a photographic~~
 37 ~~process using a silver image emulsion, or a process by which a copy is pro-~~
 38 ~~duced using a copy machine or by digital scanning and reproduction using~~
 39 ~~black opaque drafting film ink. If a copy machine or ink is used, the surface~~
 40 ~~shall be coated with a suitable substance to assure permanent legibility.~~
 41 ~~The copy and image thereon shall be waterproof, tear-resistant, flexible,~~
 42 ~~and capable of withstanding repeated handling, as well as providing archival~~
 43 ~~permanence~~ The plat media and copy process shall be as provided in section
 44 50-1304, Idaho Code. The original plat shall be stored for safekeeping in a
 45 reproducible condition by the county. It shall be proper for the recorder
 46 to maintain for public reference a set of counter maps that are prints of
 47 the original maps. The original maps shall be produced for comparison upon
 48 demand. Full scale copies thereof shall be made available to the public, at
 49 the cost allowed in section 31-3205, Idaho Code, by the county recorder.

SECTION 3. That Section 54-1212, Idaho Code, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer intern or land surveyor intern, be issued to an applicant having habits or character that would justify revocation or suspension of his license or certificate, as provided in section 54-1220, Idaho Code. Except for military personnel stationed in the state of Idaho on military orders and except for persons employed full-time in the state of Idaho, only residents of the state of Idaho and students enrolled at an Idaho university or college may qualify for assignment to examinations for initial ~~certification or licensure~~. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as an intern or assignment to a professional engineering or professional land surveying examination:

(1) As a professional engineer:

(a) Graduation from an approved engineering program of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice professional engineering; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program, passage of an examination on the fundamentals of engineering acceptable to the board, and a specific record, after graduation, of four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a professional land surveyor:

(a) Graduation from an approved surveying program of four (4) years or more in a school or college approved by the board as being of satisfactory standing, passage of an examination on the fundamentals of surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional land surveying; or

(b) Graduation with a bachelor's degree in a related science from a school or college approved by the board as being of satisfactory

standing, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying program, passage of an examination on the fundamentals of surveying acceptable to the board, and a specific record of an additional four (4) years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer intern:

(a) ~~Graduation from or in the last two (2) semesters~~ Passage of an examination on the fundamentals of engineering and graduation from an approved engineering program of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer intern;
or

(b) Passage of an examination on the fundamentals of engineering and graduation with a bachelor's degree in a related science from a school or college approved by the board, and evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program, and indicating that the applicant is competent to be enrolled as an engineer intern; or

(c) Passage of an examination on the fundamentals of engineering and graduation with an engineering master's or doctoral degree approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering program, and indicating that the applicant is competent to be enrolled as an engineer intern.

(d) In the event the applicant qualifies for assignment to passes the examination during the last two (2) semesters of college prior to graduation under the provisions of section 54-1212(3) paragraph (a), (b) or (c) of this subsection, Idaho Code, and a passing grade is attained, a certificate will be issued only after the applicant graduates.

(4) As a land surveyor intern:

(a) ~~Graduation from, or in the last two (2) semesters of,~~ Passage of an examination on the fundamentals of surveying and graduation from an approved surveying program of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to be enrolled as a land surveyor intern; or

(b) Graduation Passage of an examination on the fundamentals of surveying and graduation with a bachelor's degree in a related science from a school or college approved by the board, evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year surveying program, and indicating that the applicant is competent to be enrolled as a land surveyor intern.

(c) In the event the applicant qualifies for assignment to passes the examination during the last two (2) semesters of prior to graduation from college under the provisions of subsection (4) paragraph (a) or (b)

1 of this subsection, ~~and attains a passing grade~~, a certificate shall be
2 issued only after the applicant graduates.

3 In counting years of experience for assignment to the professional en-
4 gineer or professional land surveyor examination, the board may, at its dis-
5 cretion, give credit, not in excess of one (1) year, for satisfactory gradu-
6 ate study toward a master's degree and not in excess of an additional one (1)
7 year for satisfactory graduate study toward a doctorate degree. In the event
8 an applicant obtains a doctorate degree without first obtaining a master's
9 degree, the board may, at its discretion, give credit, not in excess of two
10 (2) years.

11 In considering the combined education and experience qualifications of
12 applicants, the board shall consider engineering teaching, land surveying
13 teaching, each year of satisfactory completion of undergraduate college
14 education, advanced degrees in engineering and advanced degrees in land
15 surveying in establishing the applicants' minimum composite knowledge and
16 skill.

17 The mere execution, as a contractor, of work designed by a professional
18 engineer, or the supervision of the construction of such work as a foreman or
19 superintendent, shall not be deemed to be the practice of engineering, but
20 if such experience, in the opinion of the board, has involved responsible su-
21 pervision of a character that will tend to expand the engineering knowledge
22 and skill of the applicant the board may in its discretion give such credit
23 therefor as it may deem proper.

24 Any person having the necessary qualifications prescribed in this chap-
25 ter to entitle him to assignment to an examination for licensure or certifi-
26 cation shall be eligible for such assignment although he may not be practic-
27 ing his profession at the time of making his application.

28 The board may postpone acting on an application for assignment to any
29 examination if disciplinary or criminal action related to the applicant's
30 practice has been taken or is pending in any other jurisdiction. The board
31 may postpone the release of scores to applicants on any examination if there
32 is any unresolved examination irregularity involving the applicant. The
33 board may investigate and adjudicate the validity of examination irregular-
34 ities and if the examination irregularities are substantiated, the board may
35 invalidate the score of the applicant.

36 SECTION 4. That Section 54-1214, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-1214. EXAMINATIONS. (1) Examinations will be held at such times and
39 places as the board directs. The board shall determine the acceptable grade
40 on examinations.

41 (2) Written examinations may be taken only after the applicant has met
42 the other minimum requirements as given in section 54-1212, Idaho Code, and
43 has been approved by the board for admission to the examinations as follows:

44 (a) Fundamentals of Engineering -- The examination consists of a test
45 on the fundamentals of engineering acceptable to the board. Passing
46 this examination qualifies the examinee for an engineer intern cer-
47 tificate, provided he has met all other requirements of certification
48 required by this chapter.

(b) Principles and Practice of Engineering -- The examination consists of a test on applied engineering acceptable to the board. Passing this examination qualifies the examinee for licensure as a professional engineer, provided he has met the other requirements for licensure required by this chapter.

(c) Fundamentals of Surveying -- The examination consists of a test on the fundamentals of surveying acceptable to the board. Passing this examination qualifies the examinee for a land surveyor intern certificate, provided he has met all other requirements for certification required by this chapter.

(d) Principles and Practice of Surveying -- The examination consists of a test on applied surveying acceptable to the board. Passing this examination qualifies the examinee for licensure as a professional land surveyor, provided he has met the other requirements for licensure required by this chapter.

(3) A candidate failing all or part of a professional engineering or professional land surveying examination for the first time may apply for re-examination, which may be granted upon payment of an application fee equal to the application fee for the required examination plus a separate examination fee paid by the applicant directly to the entity designated by the board. In the event of a second failure, the examinee shall be required to obtain a minimum of one (1) additional year of experience, acceptable to the board, from the date of the second examination failure, and submit evidence of having completed an additional eight (8) semester credits of college level academic education relating to the examination, before the board will consider that he has acquired the necessary additional knowledge to warrant assignment to a third examination. The separate application and examination fees shall be as set forth herein. In the event of a third or subsequent failure, the examinee shall be required to obtain a minimum of three (3) additional years of experience, acceptable to the board, from the date of the third or subsequent examination failure, and submit evidence of having completed an additional twelve (12) semester credits of college level academic education relating to the examination, before the board will consider that he has acquired the necessary additional knowledge to warrant assignment to a subsequent examination. The separate application and examination fees shall be as set forth herein.

(4) The board may prepare and adopt specifications for the written examinations in engineering and land surveying.

SECTION 5. That Section 54-1234, Idaho Code, be, and the same is hereby amended to read as follows:

54-1234. MONUMENTATION -- PENALTY AND LIABILITY FOR DEFACING. If any person shall willfully deface, injure or remove any signal, monument or other object set as a permanent boundary survey marker, benchmark or point set in control surveys by agencies of the United States government or the state of Idaho or set by a professional land surveyor or an agent of the United States government or the state of Idaho, he shall forfeit a sum not exceeding one thousand five hundred dollars (\$1,500) for each offense, and shall be liable for damages sustained by the affected parties in consequence

of such defacing, injury or removal, to be recovered in a civil action in any court of competent jurisdiction.

SECTION 6. That Section 55-1905, Idaho Code, be, and the same is hereby amended to read as follows:

55-1905. RECORDS OF SURVEY -- FILING. The records of survey to be filed under authority of this chapter shall be processed as follows:

(1) The record of survey shall be a map, ~~prepared in black opaque image upon stable base drafting film with a minimum base thickness of .003 inches by either a photographic process using a silver image emulsion or by use of black opaque drafting film ink, by mechanical or handwritten means.~~ The drafting film and image thereon shall be waterproof, tear resistant, flexible and capable of withstanding repeated handling, as well as providing archival permanence. ~~If ink is used on drafting film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The drafting film must be of a type which can be reproduced by either a photographic or diazo process using the same media and copy process as provided in section 50-1304, Idaho Code.~~ The map shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 1/2) inch margin at the left end for binding, and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey shall be drawn at a scale suitable to ~~insure~~ ensure the clarity of all lines, bearings and dimensions. In the event that any survey is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets.

(2) The original transparency and one (1) legible print of each record of survey shall be furnished to the county recorder in the county or counties in which the survey is to be recorded.

SECTION 7. That Section 55-1906, Idaho Code, be, and the same is hereby amended to read as follows:

55-1906. RECORDS OF SURVEY -- CONTENTS. The records of survey shall show:

(1) All monuments found or set or reset or replaced, or removed, describing their kind, size, location using bearings and distances, and giving other data relating thereto;

(2) Evidence of compliance with chapter 16, title 55, Idaho Code, including instrument numbers of ~~any the most current~~ corner records ~~which have been recorded previously related to the survey being submitted and instrument numbers of~~ corner records of ~~any~~ corners which are set in conjunction with the survey being submitted; basis of bearings, bearing and length of lines, graphic scale of map, and north arrow;

(3) Section, or part of section, township and range in which the survey is located and reference to surveys of record within or crossing or adjoining the survey;

(4) Certificate of survey;

1 (5) Ties to at least two (2) public land survey corner monuments of
2 record in one (1) or more of the sections containing the record of survey, or
3 in lieu of public land survey corners, to two (2) corners of records recog-
4 nized by the county surveyor. Records of survey which are within previously
5 platted subdivisions of record need not be tied to public land survey corner
6 monuments.